

REMARKS:

Claims 1 to 7, 13 to 22, 27 to 36, and 41 to 43 are in the application. Claims 1, 13, 16, 27, 30 and 41 are the independent claims and have been amended. Reconsideration and further examination are respectfully requested.

Procedural Status

A final Office Action was mailed on June 4, 2003. A response was filed via facsimile on Sept. 4, 2003. The Office entered the response, canceling claims 8 to 12, 23 to 26, and 37 to 40. The Office also issued an Advisory Action that indicated that Applicant's arguments in the response were not persuasive. The Advisory Action repeated the rejections of claims 1 to 7, 13 to 22, 27 to 36, and 41 to 43 without further comment.

Applicant is filing a Request for Continued Examination (RCE) with this response. Where appropriate, Applicant's comments in this filing are directed toward the explanations of the rejections set forth in the June 4<sup>th</sup> final Office Action.

Claims Rejections

Claims 1 to 7, 16 to 22, and 30 to 36: Claims 1, 2, 4 to 7, 16, 17, 19 to 22, 30, 31, and 33 to 36 were rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 6,327,677 (Garg). Claims 3, 18 and 32 were rejected under § 103(a) over Garg in view of U.S. Patent No. 5,920,719 (Sutton). Claims 1, 16 and 30 are the independent ones of these claims.

Applicant notes that their representative inadvertently omitted the rejection in view of Sutton in the response to the final Office Action. In view of the Office's continued rejection of claims 3, 18 and 32, this omission was immaterial to the disposition of the case and in any event has now been corrected. Applicant requests that the Examiner take note of this matter simply out of an abundance of caution.

Amended independent claim 1 is reproduced below:

1. A method, including steps of  
repeatedly reviewing monitoring statistics regarding operation of a file server, said steps of reviewing being performed at least as often as a selected time period; and  
processing said monitoring statistics using a diagnostic software module, in response to said steps of repeatedly reviewing;  
wherein said diagnostic software module diagnoses a behavior of said file server to determine a specific problem or problems by comparing said monitoring statistics to rules or patterns representing abnormal states of operation for said file server.

The applied art is not seen by Applicant to disclose or to suggest the foregoing features of claim 1, at least with respect to a diagnostic software module that "diagnoses a behavior of said file server to determine a specific problem or problems by comparing said monitoring statistics to rules or patterns representing abnormal states of operation for said file server."

In this regard, the final Office Action admitted that "Garg does not specifically disclose using cognitive signatures regarding 'normal' operation." Applicant took this as an admission that Garg does not specifically disclose diagnosis of a behavior of a file server "by comparing said monitoring statistics to rules or patterns representing abnormal states of operation

for said file server,” as recited by claim 1. However, the Office Action then went on to state that “by identifying what is normal, what is abnormal is subsequently identified as well (i.e., anything that is not normal).”

Applicant responded by arguing that merely identifying something as “not normal” (i.e., abnormal) is different from the claimed diagnosis. The Examiner was not persuaded.

Applicant has now added language to claim 1 specifying diagnosis “to determine a specific problem or problems.” Applicant respectfully submits that diagnosis of a specific problem or problems is clearly different from merely identifying that abnormal (i.e., something other than normal) operations are occurring. Continuing with the medical analogy presented in the response to the final Office Action, the difference is akin to the difference between merely knowing one is sick and getting a diagnosis of the specific problem or problems (e.g., illness or illnesses) that is causing one to be sick. (This analogy is not an admission that the medical arts are analogous or applicable to the subject matter of this case; rather, the analogy is made for reasons of illustration only.)

Thus, Applicant does not see Garg to disclose or to suggest a “diagnostic software module [that] diagnoses a behavior of said file server to determine a specific problem or problems,” let alone a module that performs such diagnosis “by comparing said monitoring statistics to rules or patterns representing abnormal states of operation for said file server” as recited by claim 1.

Applicant has reviewed Sutton, which was applied against certain of the dependent claims, and does not see anything therein that remedies the foregoing deficiency of Garg.

In view of the foregoing, reconsideration and withdrawal are respectfully requested of the § 103(a) rejection of claim 1 and its dependent claims 2 to 7, as is allowance of those claims.

Claims 16 to 22 recite file servers that implement the methods of claims 1 to 7. Claims 30 to 36 recite memories that store instructions for performing the methods of claims 1 to 7. Accordingly, reconsideration and withdrawal also are respectfully requested of the § 103(a) rejection of claims 16 to 22 and 30 to 36, as is allowance of those claims.

Claims 13 to 15, 27 to 29, and 41 to 43: These claims were rejected under § 103(a) over U.S. Patent No. 5,745,669 (Hugard). Claims 13, 27 and 41 are the independent ones of these claims.

Amended independent claim 13 is reproduced below:

13. A method, including steps of  
tracking configuration changes to a file server;  
identifying changes in monitoring statistics for said file server that  
indicate an error or other failure in said file server;  
relating said changes in said monitoring statistics to timing of said  
configuration changes;  
determining, in response to said steps of tracking and of relating, a  
configuration change most likely to be responsible for said error or other  
failure in said file server; and  
suggesting, in response to a result of said step of determining, an  
activity to reverse one or more of said configuration changes.

The applied art, namely Hugard, is not seen by Applicant to disclose or to suggest the foregoing features of claim 13, at least with respect to the steps of “determining, in response to said steps of tracking and of relating, a configuration change most likely to be responsible for said error or other failure in said file server” and “suggesting, in response to a result of said step of determining, an activity to reverse one or more of said configuration changes.”

With respect to the determining step in claim 13, Applicant reiterates the arguments presented in the response to the final Office Action. These arguments are reproduced below for the Examiner’s convenience:

Hugard discloses restoration of configuration information when a user indicates that software is not working as expected. See Hugard at col. 7, lines 59 to 62. Applicant does not see Hugard to determine what information to restore in response to relating changes in monitoring statistics to timing of configuration changes. Rather, Hugard provides a mechanism whereby the user selects what information to restore. For example, Hugard permits user selection of a partial restore (col. 9, line 43), a full restore (col. 10, line 8), a restoration of only some of the files that have changed (col. 10, lines 60 and 61), a restoration of specified files (col. 10, line 65), a restoration of all files that have changed (col. 11, line 17), a restoration of CMOS memory, a restoration of changed or missing files (col. 12, line 34), etc.

The Office Action apparently is equating Hugard’s user selection of what information to restore with the claimed determination of which configuration change is most likely to be responsible for an error or other failure. Even if this analysis is correct (a point which Applicant does not concede), nothing in Hugard is seen by Applicant to teach or even to suggest that such a determination is made in response to relating changes in monitoring statistics to timing of configuration changes, as recited by claim 13.

In support of this position, Applicant notes that Hugard does not even teach the use of monitoring statistics. The Office Action conceded this point, taking Official Notice of “thresholding” in relation to monitoring statistics. However, Applicant submits that without teaching the use of monitoring statistics, Hugard cannot teach determining which

configuration change is most likely to be responsible for an error or failure at least in part in response to a relationship between such statistics and timing of configuration changes.

Applicant respectfully requests that the Examiner reconsider these arguments. If upon reconsideration the Examiner is still not persuaded by the arguments, then Applicant respectfully requests the Examiner's assistance in helping Applicant to understand the Examiner's position better.

In particular, Applicant requests verification of whether or not the final Office Action was equating Hugard's user selection of what information to restore with the claimed determination of which configuration change is most likely to be responsible for an error or other failure. If this understanding is correct, then Applicant respectfully requests amplification of how the Examiner is applying Hugard to teach that such a determination is made in response to relating changes in monitoring statistics to timing of configuration changes, as recited by claim 13. If this understanding is incorrect, then Applicant respectfully requests amplification of how the Examiner is applying Hugard to teach the determining step in claim 13.

Applicant notes that the final Office Action cited elements 230, 240, 325 and 335 of Hugard as teaching this determining step. However, none of these elements appears to Applicant to show a determination made in response to relating changes in monitoring statistics to timing of configuration changes. Rather, block 230 represents a decision based on a prompted indication from a user, block 240 represents a resulting activation of restore operations, and blocks 325 and 335 result from user selection of a partial restore or a full restore in blocks 305

and 310, respectively. None of these elements of Hugard appears to Applicant to involve relating changes in monitoring statistics to timing of configuration changes.

In any event, Applicant has added language to claim 13 that recites the step of “suggesting, in response to a result of said step of determining, an activity to reverse one or more of said configuration changes.” Hugard does not appear to Applicant to teach such a step of suggesting an activity in response to a result of the recited determining step.

In particular, Hugard does not appear to Applicant to recommend or otherwise to suggest any of its restore operations over any other of its restore operations based on a configuration change most likely to be responsible for the software not working. Hugard instead appears to Applicant to offer the same set of restore operations whenever a user indicates that software does not work as expected. See Hugard, steps 230 and 240, Figure 3, and accompanying text. Thus, Hugard is not seen by Applicant to teach claim 13’s step of “suggesting, in response to a result of said step of determining [a configuration change most likely to be responsible for said error or other failure in said file server], an activity to reverse one or more of said configuration changes.”

In view of the foregoing, reconsideration and withdrawal are respectfully requested of the § 103(a) rejection of claim 13 and its dependent claims 14 and 15, as is allowance of those claims.

Claims 27 to 29 recite file servers that implement the methods of claims 13 to 15. Claims 41 to 43 recite memories that store instructions for performing the methods of claims 13

to 15. Accordingly, reconsideration and withdrawal also are respectfully requested of the § 103(a) rejection of claims 27 to 29 and 41 to 43, as is allowance of those claims.

Request for Interview

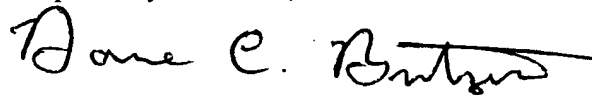
If the Examiner does not find Applicant's arguments to be persuasive, Applicant respectfully requests a telephonic interview with the Examiner, the Examiner's supervisor Robert W. Beausoliel, Applicant's representative Dane C. Butzer, and Mr. Butzer's supervising attorney at the Swernofsky Law Group, Steven A. Swernofsky.

Closing

In view of the foregoing amendments and remarks, the entire application is believed to be in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

Applicant's undersigned attorney can be reached at (614) 486-3585. All correspondence should continue to be directed to the address indicated below.

Respectfully submitted,



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Dated: October 1, 2003

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